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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,411	05/18/2006	Jean-Claude Beisser	0502-1028	2971

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EXAMINER

FASTOVSKY, LEONID M

ART UNIT	PAPER NUMBER
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3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/539,411

Applicant(s)

BEISSER ET AL.

Examiner

Leonid M. Fastovsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20050617.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the intermediate mat, pierced orifice and the peel glued on the latter of a tear-off sheet must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 19 and 21 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for extracting the peel, does not reasonably provide enablement for extracting the peel. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to enable the invention commensurate in scope with these claims. A flexible tear-off sheet coated with glue is not identified in the specification and in the drawings.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 8 recites the limitation "orifice 3b" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 16 recites the limitation "intermediate mat" in 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lund et al (3,263,307).

Lund teaches a flexible heating mat and a method of producing the mat (col. 1, lines 10-15) comprising a metal sheet 12, and edges of the slots 11 are cut to produce-eliminate strips-peels 16 (col. 4, lines 25-35 and col. 5, lines 20-36), first and second transverse metal tracks 1, sealed between two flexible insulating layers 2 and 3, having upstream ends 6, and downstream ends 7 with a connection 8 (col. 3, lines 10-58 and Fig. 1-3), and a rotary machine (Fig. 4-6).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Eisler (3,721,800).

Lund discloses substantially the claimed invention, but does not disclose an aluminum film and adhesive. Eisler discloses an electric heating film made from aluminum and adhesive to join metal strips by adhesive (col. 2, lines 59-63 and col. 9, lines 42-50). It would have been obvious to one having ordinary skill in the art to modify Lund's invention to include adhesive for better durability and aluminum foil as taught by Eisler in order to increase utilities of the heater.

15. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Ek et al (6,737,611).

Lund discloses substantially the claimed invention, but does not disclose traversed orifices and a width of the mat. Ek discloses a heating mat 1 having a width of 38 cm (col. 5, lines 10-15) and traverse orifices 10 (Fig. 4).

It would have been obvious to one having ordinary skill in the art to modify Lund's invention to have traverse orifices in order to fix the mat in position on the floor (col. 4, lines 15-33) and a width of the mat in a range as taught by Ek in order to increase utilities of the heating mat.

16. Claims 12 –15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Hitzigrath (5,928,549).

Lund discloses substantially the claimed invention including a thickness of the track of 0.015 mm, but does not disclose a width of the track. Hitzigrath discloses a heating foil having a lower limit width of .007 inch = 0.02 cm, strips S4 and S6 spaced apart by 0.024 inch = 0.07 and loops of the path 4 are spaced apart by 0.041 inch = 0.1 cm (col. 4, lines 15-30 and col. 5, lines 1-5).

It would have been obvious to one having ordinary skill in the art to modify Lund's invention to have a width and spacing of the tracks in a range as taught by Hitzigrath since it has been held that where the general conditions of the claims are discussed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

17. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Hackett et al (4,203,198).

Lund discloses substantially the claimed invention including the track and the second track in the longitudinal direction and transverse parts and the rotary machine (Fig. 1 and 4-6), but does not disclose half-loops. Hackett discloses a heating foil 10 having full length loops and loops about a half- loop length at the bottom of Fig. 1.

It would have been obvious to one having ordinary skill in the art to modify Lund's invention to have a range of half-loops as taught by Hackett since such a modification would have involved a mere change in the size of the component. A change in size is


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generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M. Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Leonid M Fastovsky
Examiner
Art Unit 3742

lmf